

REMARKS

Background

This Response is submitted in response to the Office Action of 11/04/2004.

- 5 A) Claims 2—11 and 13—21 remain in original form.
 B) Claims 1 and 12 are currently amended.

In view of the following remarks, Applicant respectfully requests reconsideration of the rejected claims.

Oath and Declaration

- 10 The inventors have signed a Declaration listing their residential addresses. However, these residential addresses are also their postal addresses, as evidenced by the inclusion of the postal zip codes. Thus, the Declaration does include their postal addresses, including zip codes. If the Patent Office needs additional information, the Applicant would be
15 glad to supply it.

Specification

- The Applicant has made minor modifications to the specification in response to the indications made by the Patent Office. The Applicant would like to thank the Examiner for obvious attention to detail in
20 reviewing the application.

35 U.S.C. §102

- According to the MPEP §2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be
25 shown in as complete detail as is contained in the claim.

Anticipation is a legal term of art. The applicant notes that in order to provide a valid finding of anticipation, several conditions must be met: (i) the reference must include every element of the claim within the four corners of the reference (see MPEP §2121); (ii) the elements must be set forth as they are recited in the claim (see MPEP §2131); (iii) the teachings of the reference cannot be modified (see MPEP §706.02, stating that "No question of obviousness is present" in conjunction with anticipation); and (iv) the reference must enable the invention as recited in the claim (see MPEP §2121.01). Additionally, (v) these conditions must be simultaneously satisfied.

The §102 rejection of independent claims 1, 15, 18 and 19 is believed to be in error. Specifically, the PTO and Federal Circuit provide that §102 anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). The corollary of this rule is that the absence from a cited §102 reference of any claimed element negates the anticipation. *Kloster Speedsteel AB, et al. v. Crucible, Inc., et al.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986).

No §103 rejection has been lodged regarding claims 1, 15, 18 and 19. Accordingly, if the Applicant can demonstrate that Kumada does not disclose any one claimed element with respect to claims 1, 15, 18 and 19, the §102 rejections must be withdrawn.

Applicant notes the requirements of MPEP §2131, which states that "to anticipate a claim, the reference must teach every element of the claim." This MPEP section further states that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.'

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)."

Background on Document-To-Printer Color Gamut Matching

10 In one aspect, the Applicant teaches selection of a color map for use in printing a document (see the preamble of claim 1). In one embodiment, color space information about a document is obtained. Additionally, at least two color maps are obtained. A determination is made as to which of the color maps will result in a printed document that is more consistent with the color
15 space information and a desired rendering intent.

In another aspect, the Applicant shows examples of color maps in Figs. 4—6, wherein color maps based on absolute, perceptual and custom rendering intents are shown, respectively. Color maps may be used to move—i.e. “map”—color data from an original or input location to a final or output
20 location based on a variety of strategies.

In another aspect, the Applicant teaches that by mapping the color data of the document, a printed output resulting from the document will be more consistent with the color space information and desired rendering intent. Thus, the Applicant teaches that by selecting and applying the correct map, a more
25 desirable printed document will result.

Background on the Kumada Reference

The Kumada reference addresses teaches that a plurality of color printers may be available for use, and that a color document may look better if the correct color printer is selected. Accordingly, Kumada teaches a system and method to make that choice.

Kumada does not teach that color data can be mapped. Moreover, Kumada does not teach selection between available color maps based on consistency with color space information and/or rendering intent. Further, Kumada does not teach that by utilizing a preferred color map that a document having better-looking output will be generated.

Section 102(e) rejections due to the Kumada reference

Claims 1, 15, 18 and 19 were rejected under §102 as being anticipated by U.S. patent 6,549,654, herein after “Kumada.” The Applicant respectfully traverses the rejection.

Traversal of Rejection of Independent Claims 1, 15, 18 and 19

Claims 1, 15, 18 and 19 recite utilization of “at least two color maps.” As seen in the above Background section, the Applicant generally teaches, and the Applicant’s claims recite, the use of color mapping to result in higher-quality print output.

The Kumada reference does not teach, disclose or suggest color mapping of color print data. The Kumada reference teaches a system and method for selecting the correct color printer form among those available to best print a given color document.

At the bottom of page 3 and top of page 4 of the Office Action mailed 11/04/2004, the Patent Office suggests that Kumada reference teaches use of “at least two maps”. As evidence, the Patent Office points to the fact that Kumada compares the available gamut of three printers to the document, thereby allowing Kumada to select a best printer from among those available.

However, the point made by the Patent Office does not actually show that Kumada teaches mapping. As seen in Figs. 4—6 of the Applicant’s disclosure, mapping involves moving colors from an initial position to a final position. Different mapping strategies are available, such as absolute and perceptual. Kumada does not teach mapping the colors of the document. Accordingly, Kumada does not teach selecting a map from among at least two maps, which, if applied to the document, would result in color output most consistent with the rendering intent and/or color space information.

In conclusion, Kumada fails to teach mapping. Kumada fails to teach evaluating the color space information and at least two maps. Kumada fails to teach the selection of one map from two or more maps. Kumada fails to use of the map to result in better print output. Therefore, the Applicant suggests to the Patent Office that the Kumada reference is not applicable to the claims as recited. Accordingly, the Applicant respectfully requests that the section 102 rejection due to Kumada be lifted.

Traversal of Rejection of Claims 2—14, 16—17 and 20—21

Claims 2—14, 16—17 and 20—21 depend from claims 1, 15, 18 and 19, which are allowable for the reasons seen above. Accordingly, these claims are allowable by virtue of this dependence. Moreover, each claim is allowable for

reasons associated with the elements recited. As a result, the Applicant respectfully requests that the Patent Office lift the rejection of these claims.

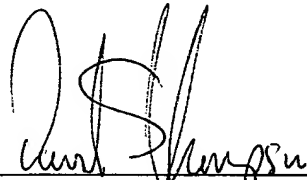
Conclusion

5 The Kumada reference fails to teach elements recited by the Applicant's claims, including mapping and the selection of an appropriate map from among two or more maps. Accordingly, the Applicant respectfully requests that the section 102 rejection be removed.

10 The Applicant submits that all of the claims are in condition for allowance and respectfully requests issuance of a Notice of Allowability. If the Office's next anticipated action is not the issuance of a Notice of Allowability, the Applicant respectfully requests scheduling of an interview with the undersigned attorney.

15 Respectfully Submitted,

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By: 

David S. Thompson
Reg. No. 37,954
Attorney for Applicant

LEE & HAYES PLLC
Suite 500
421 W. Riverside Avenue
Spokane, Washington 99201
Telephone: 509-324-9256 x235
Facsimile: (509) 323-8979

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